

UNITED STATES DISTRICT COURT  
for the  
District of New Mexico

United States of America )

v. )

David William HILL )

)

Case No. 21-88 MJ

*Defendant*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/21/2021 in the county of Doña Ana in the Judicial District of New Mexico, the defendant violated 21 U. S. C. § 841 (a) (1)  an offense described as follows:

Knowingly or intentionally; (1) to manufacture, distribute, or dispense or possess with intent to manufacture, distribute or dispense a controlled substance; to wit approximately 5.897 kilograms (13.0 lbs) of cocaine.

This criminal complaint is based on these facts:  
See Attachment A

Continued on the attached sheet.

  
Complainant's signature

DEA Special Agent Stephanie Nuno  
Printed name and title

Sworn to before me and signed in my presence.

Date: 1/25/2021

  
Judge's signature

City and state: Las Cruces, New Mexico

STEPHAN M. VIDMAR  
U.S. MAGISTRATE JUDGE  
Printed name and title

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Attachment A  
Criminal Complaint

Your Affiant, Special Agent Stephanie Nuno, being duly sworn, states that the following information is presented as probable cause to charge David William HILL. Since this affidavit is being submitted for the limited purpose of establishing probable cause, your affiant has not included every known fact pertaining to this investigation. The following is true and correct to the best of my knowledge and belief;

According to U.S. Border Patrol (USBP) Report of Apprehension or Seizure Number LAS2101000039, the following is based on information provided to me by other agents and is presented as probable cause to arrest David William HILL.

On January 21, 2021 at approximately 5:30 p.m., Border Patrol Agent (BPA) Natalie Aguilera was assigned to the U.S. Border Patrol checkpoint on Interstate 25 (I-25) North in Las Cruces, NM when BPA Aguilera encountered a black Cadillac Escalade bearing Texas Tag NTH2735. The vehicle drove up to the primary inspection area with a single male occupant, later identified as David William HILL. HILL nodded and waved his hand while attempting to continue driving through without stopping. BPA Aguilera motioned for HILL to stop his vehicle so that BPA Aguilera could conduct an immigration inspection. BPA Aguilera asked HILL for his citizenship and HILL replied that he is an American citizen and again attempted to drive off. BPA Aguilera again asked HILL to stop and to roll down his rear window so that BPA Aguilera could see if there were any other passengers in the vehicle. HILL nodded his head and began repeating, "Yea, yea, oh yea" as he rolled down his window. BPA Aguilera saw a couple of suitcases in the back of the vehicle indicating that HILL was taking a long trip and BPA Aguilera asked HILL where he was traveling from and he stated that he was traveling from Houston en route to Albuquerque. BPA Aguilera noticed that HILL spoke very quickly and at times his voice trembled. BPA Aguilera also noticed HILL looked pained each time he swallowed. BPA Aguilera asked HILL what the reason for such a long trip was and he stated he was going to Albuquerque to look for a vehicle to buy. BPA Aguilera asked HILL if he had purchased a vehicle and if he was just picking it up and HILL stated he was just going to look for a vehicle to buy. BPA Aguilera asked HILL where he was going to look for a vehicle to buy and HILL had no idea of where his vehicle shopping would begin or take place. BPA Aguilera noticed HILL seemed very excited and kept jerking his head back and forth between BPA Aguilera and his passenger seat. HILL's strange demeanor, route of travel and the fact that he had attempted twice to drive away trying to avoid inspection, prompted BPA Aguilera to ask HILL if she could perform a canine inspection of his vehicle. HILL consented to a canine inspection and was directed to the secondary inspection area.

Once in the secondary inspection area, HILL was escorted from his vehicle. BPA Aguilera conducted a systematic canine inspection of the vehicle with her government assigned canine, Apace. BPA Aguilera notified agents that Apace had alerted to the rear passenger area of the vehicle. HILL was escorted into the waiting room area of the checkpoint. A hand search of HILL's vehicle resulted in nine (9) bundles of a substance wrapped in black electrical tape, in an open US Postal Service box concealed in a suitcase in between the rear seats of the vehicle. The nine bundles contained a white powdery

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Attachment A  
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substance tested positive for the properties of cocaine. The total weight of the bundles was 5.897 kilograms. HILL was read his Miranda Rights by BPA Aguilera which he acknowledged and stated he understood. HILL invoked his right to have an attorney present during questioning.

DEA Special Agent Stephanie Nuno was contacted and stated that she would be responding to the checkpoint. At approximately 7:00 p.m., SA Nuno and DEA Task Force Officer (TFO) Pedro Palacios arrived at the I-25 USBP Checkpoint to further investigate the case. SA Nuno and TFO Palacios were provided with form I-44 which had been generated by BPA Aguilera. SA Nuno and TFO Palacios took photographs of HILL's Cadillac Escalade which was parked in a secure area outside of the USBP checkpoint. BPA Aguilera provided SA Nuno and TFO Palacios with electronic devices to include four cellular phones, an electronic laptop and an electronic notebook belonging to HILL. SA Nuno and TFO Palacios took custody of the cocaine and photographed it. The bundles were labeled with various numbers and letter markings, indicative of the intention to distribute the bundles. SA Nuno as witnessed by TFO Palacios seized an undetermined amount of U.S. currency from HILL, which was on his person in the holding cell when he was placed under arrest by SA Nuno and TFO Palacios.

Custody of HILL, the cocaine, electronic devices, and the undetermined amount of U.S. currency belonging to HILL were turned over to SA Nuno and TFO Palacios. HILL's Cadillac Escalade was towed to the El Paso Division for storage and safekeeping. SA Nuno and TFO Palacios transported HILL to the Dona Ana County Detention Center where he was booked. The cocaine, electronic devices and undetermined amount of U.S. currency was secured at the El Paso Division.

Based on the above, your affiant submits to this Honorable Court that there is enough probable cause to charge David William HILL with a violation of Title 21, United States Code, Section 841 (a)(1). Assistant United States Attorney Aaron Jordan accepted prosecution of this case.

  
DEA/SA Stephanie Nuno  
  
U.S. Magistrate Judge